

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-248

SHANE M. SELLS,

Defendant.

SENTENCING MEMORANDUM

The United States of America, by James L. Santelle, United States Attorney for the Eastern District of Wisconsin, and Daniel R. Humble, Assistant United States Attorney, hereby files this sentencing memorandum in support of the Government's recommendation to be made at the sentencing hearing on May 11, 2015. The defendant pleaded guilty to a charge of production of child pornography, contrary to Title 18, United States Code, Section 2251(a).

FACTS

The Government agrees with the facts as presented in the Pre-Sentence Investigation Report. However, the Government wishes to highlight additional factors which it believes the Court should take into consideration at sentencing.

GUIDELINE RANGE

The government also concurs with the finding of the Pre-Sentence Investigation that there is an adjusted offense level of 37 with an advisory guideline range of 210 to 262 months.

MANDATORY MINIMUM

The offense carries a mandatory minimum sentence of 180 months imprisonment.

MITIGATING FACTORS

The government believes that the mandatory minimum of 180 months is a fair and just sentence for Mr. Sells, despite an advisory guideline range that calls for a lengthier term of incarceration. The government bases that belief on the following mitigating factors:

- Mr. Sells was extremely cooperative with the investigating agents when they conducted a “knock and talk” at his residence on August 25, 2014. He gave a complete account of his illegal activities, provided a detailed background to the agents regarding personal and embarrassing information, and did not hesitate to direct the agents to the videotape containing the child pornography that he produced. Further, he assisted the agents in collecting the massive amounts of electronic media containing images of child pornography.
- Mr. Sells appears to have a better understanding than most offenders of the motivations behind his illegal activities and the disordered thinking that drives his thoughts and behavior.
- To his credit, Mr. Sells at no time expressed anything other than a desire to address the charges against him, plead guilty, and accept his punishment.
- Mr. Sells agrees that he is in need of a lifetime of supervised release which, in the government’s opinion, obviates the need for a lengthier term of incarceration.

- Mr. Sells has no prior criminal record and no known prior contacts with law enforcement.
- Though the victims want to see the defendant held accountable, none expressed a desire for a sentence in excess of 15 years incarceration.

CONCLUSION

The government respectfully requests that the Court impose the mandatory minimum 180 months imprisonment.

Dated at Green Bay, Wisconsin, this 8th day of May, 2015.

Respectfully submitted,

JAMES L. SANTELLE
United States Attorney

By: s/ Daniel R. Humble
DANIEL R. HUMBLE
Assistant United States Attorney